



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,840	10/01/2003	Shawn Beamish	SwBe:RoadM1	9535
26790	7590	11/12/2004	EXAMINER	
LAW OFFICE OF KAREN DANA OSTER, LLC PMB 1020 15450 SW BOONES FERRY ROAD #9 LAKE OSWEGO, OR 97035			ADDIE, RAYMOND W	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,840

Applicant(s)

BEAMISH ET AL.

Examiner

Raymond W. Addie

Art Unit

3671

WJ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 10, 14, 25 are objected to because of the following informalities:

The phrase "locking mechanism comprising a male coupling member and a female coupling member"; should be --locking mechanism comprising a male coupling member and a female coupling member, in the form of C-shaped channel members--.

In order to define the scope of what is considered a male and female member.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 18, 19, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "suitable to interact with said female coupling members" in claims 13, 18, In. 2, is a relative term which renders the claim indefinite. The term "are suitable to interact with" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

It is indefinite as what is considered "suitable to interact with said female coupling members". Therefore, one of ordinary skill in the art would not be able to make the invention commensurate with the claims.

Claim 13 depends from canceled claim 1. Therefore, claim 13 is indefinite.

Claim 22 does not depend from any claim and is not in independent form.

Therefore, Claim 22 has not been treated on the merits, since it is indefinite as to what the limitations cited in Claim 22, are intended to further limit in a parent claim.

The term "suitable interacts with said female coupling members" in claims 19, In. 3, is a relative term which renders the claim indefinite.

The term "suitable interacts with" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is indefinite as what is considered "suitable to interact with said female coupling members". Therefore, one of ordinary skill in the art would not be able to make the invention commensurate with the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 11, 13-16, 18-20, 23-27, 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Webster # 3,859,000.

Webster discloses a road mat (10) comprising:

A plurality of 1st and 2nd identical body members (11) having at least 1st and 2nd coupling ends (12)

At least 1st and 2nd locking mechanisms comprising both male (14) and female (13) coupling members.

Wherein said male coupling members are positioned substantially between said body (11) and said female coupling members (13); such that said male coupling members are positioned in tandem with said female coupling members at each coupling end. See Fig. 2; Col. 2.

In regards to Claims 13-16, 18, 19, 29 Webster discloses the male coupling members (14) of said 1st and 2nd bodies (11) are suitable to interact with respective female coupling members (13) of prior or successive bodies (11), in order to form various traffic ways, such as floating bridges and piers; aircraft landing strips or similar constructions. See Col. 2, Ins. 9-16.

In regards to Claims 20, 21, 23, 24, 26, 27 Webster discloses the locking mechanisms are substantially parallel to respective 1st and 2nd coupling ends and extend substantially the length of said coupling ends and are positioned in tandem, at each coupling end.

4. Claims 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Benedict et al. # Re. 18,188.

Benedict et al. discloses a portable, interlocking road mat (unnumbered see fig. 2) comprising:

A mat body having 1st and 2nd coupling ends.

A 1st locking mechanism provided at and parallel with said 1st coupling end.

A 2nd locking mechanism provided at and parallel with said 2nd coupling end.

Wherein said coupling ends each further comprise male and female, interlocking

coupling members (4), which are reciprocating mirror images of one

another, such that the ends mesh with reciprocally fitting male and female ends.

Further wherein, said male and female coupling members (4) are positioned in tandem, see Fig. 2. and have substantially semi-circular shapes.

The male members and female members, provide for dynamic rotation of the coupling ends in the vertical plane to allow for inconsistencies in the terrain without loss of coupling capability or strength. See also Col. 2, ln. 4-col. 2, ln. 99.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Scrivner et al. # 2,716,373.

Webster discloses a road mat having 1st and 2nd body members (11) further having 1st and 2nd coupling ends (12), each coupling end comprising: male (14) and female (11) coupling members disposed parallel to respective coupling ends and are interconnectable to form temporary traffic ways, such as landing strips and floating bridges. See col. 2. What Webster does not disclose is using semi-circular shaped male and female members. However, Scrivner et al., teaches that road successive road mats (10) are advantageously interconnected at coupling ends having both male and female semi-circular shaped coupling members (12), arranged in tandem, in order to accommodate for seasonally induced movement of successive road mats (10), without crushing misaligned abutting coupling members (12). See col. 5, ln. 5-47. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the road mat system of Webster, with semi-circular shaped male and female coupling members, as taught by Scrivner et al., in order to accommodate for seasonally induced movement of successive road mats (10), without crushing misaligned abutting coupling members (12).

Response to Arguments

6. Applicant's arguments with respect to claims 10-29 have been considered but are moot in view of the new ground(s) of rejection.

However, Applicant's arguments filed 8/30/04 with respect to the prior art reference to Benedict et al. ' 188 have been fully considered but they are not persuasive. Applicant argues Benedict reference is directed to paving joint strips (4) of compressible and elastic character which are adapted for using in paving structures to separate the rigid elements...The rigid elements however do not have coupling members because the paving joint strip is the interlocking mechanism.

However, the Examiner does not concur.

Fig. 2 clearly illustrates the tandem oriented male and female coupling members formed in the adjacent, abutting ends of the road mats. Benedict et al. explicitly recites "the corrugations...act to form an interlock which will effectively prevent any relative vertical movement of the paving bodies adjacent to the joint.

Hence it is inherent that the corrugations formed in the road mats are used as coupling members to interconnect adjacent successive road mats together.

Still further, In response to Applicant's argument that Benedict et al. includes additional structure; "paving joint strip is the coupling member", that is not required by Applicant's invention, it must be noted that Benedict et al. discloses the invention as claimed. The fact that it discloses additional structure not claimed is irrelevant.

Although Applicant (specifically traverses) equating the rigid elements of Benedict et al. with the road mats of the claimed invention; Applicant has not explicitly stated why. To that affect, all of the pending claims require "a mat body having a 1st coupling end and a 2nd coupling end". There are no limitations, descriptions or antecedent basis for what constitutes "a mat body". Therefore, the limitation can not preclude what is explicitly disclosed by the prior art, when no standard of equivalents is provided for in the actual claim language. Each and every dependent claim pending further limits and defines the coupling members, but do not provide any shape, size or construction of the claimed "mat body". Hence, any element disclosed by the prior art that could be used as a "road mat" is within the scope of the claimed invention. Therefore, Applicant's argument is not persuasive and the rejection is upheld.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Witt # 2,321,067 discloses an expansion joint for roadways. Tufts # 2,311,286 discloses a pavement joint.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 703 305-0135. The examiner can normally be reached on 8-2, 6-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas Will
Supervisory Patent Examiner
Group 3600

11/4/04